

Notice of Allowability	Application No.	Applicant(s)	
	09/929,234	GASS ET AL.	
	Examiner	Art Unit	
	Ghassem Alie	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/17/05.
2. ☒ The allowed claim(s) is/are 1-17,19,21 and 22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>06/04/05-10/05/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Election/Restrictions

1. Claims 2-7 and 12-15 deemed allowable and directed to the previously nonelected species I and III-VII that are now rejoined with the elected species II. It should be noted that non-elected species II and VII are related to the species II.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach that the control system is configured to determine if the blade is moving and configured not to trigger the brake mechanism if the blade is not moving as set forth in claim 1. The prior art also fails to teach a motion detector system adapted to detect motion of the working portion and to disable the reaction system when the working portion is not moving. The prior art fails to teach that the detection system and reaction system are configured to function when the motor is moving the working portion and for a defined period of time after the motor has been turned off and they are also configured to not to cause the predetermined action to take place after the defined period of time has past and the motor starts moving as set forth in claim 17. The prior art also fails to teach that the control system is adapted to trigger the reaction system if the dangerous condition is detected when the motor is spinning the cutting tool or during coast- down of the cutting tool as set forth in claim 19.

Regarding claims 1, 8, 17, and 19, Lokey (3,785,230) teaches a support and a movable blade coupled to the support. Lokey also a control system configured to detect a dangerous condition between a person and blade by imparting an electric signal to the blade and monitoring the electric signal for at least one change indicative of the dangerous condition.

Lokey also teaches a brake mechanism triggerable by control system to stop movement of the blade upon the detection of a dangerous condition.

Lokey in view of Becht et al. (5,094,000) or Nymann (4,029,159) teaches that the detection and reaction system are configured to function during a period after the motor has been turned off including during a coast-down of the cutting tool.

However, Lokey in view of Becht or Nymann fails to teach that the control system is configured to determine if the blade is moving and configured not to trigger the brake mechanism if the blade is not moving as set forth in claim 1. Lokey in view of Becht or Nymann also fails to teach a motion detector system adapted to detect motion of the working portion and to disable the reaction system when the working portion is not moving. Lokey in view of Becht or Nymann fails to teach that the detection system and reaction system are configured to function when the motor is moving the working portion and for a defined period of time after the motor has been turned off and they are also configured to not to cause the predetermined action to take place after the defined period of time has past and the motor starts moving as set forth in claim 17. Lokey in view of Becht or Nymann also fails to teach that the control system is adapted to trigger the reaction system if the dangerous condition is detected when the motor is spinning the cutting tool or during coast- down of the cutting tool as set forth in claim 19.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claims 1, 8, 17, and 19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

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issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).



BOYER D. ASHLEY
PRIMARY EXAMINER

GA/ga

October 21, 2005